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How to Celebrate John Marshall
Day, February 4, 1901

ILLINOIS HISTORICAL SURVEY



How to Celebrate
“John Marshall Day,”
February 4, 1901.

"The government of the Union is emphatically and truly a government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them, and for their benefit."

McCulloch v. Maryland, 4 Wheat. 404.

HOW TO CELEBRATE
“JOHN MARSHALL DAY”

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Published by Direction of the Executive Committee
of the Illinois State Bar Association.

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HOW TO CELEBRATE "JOHN MARSHALL DAY."

ILL. Historical
Survey

"A frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty."

NUMEROUS inquiries have reached the writer of this pamphlet as to the object of "John Marshall Day," although that object was plainly expressed in the original proposition submitted to the Illinois State Bar Association at its last annual session. That proposition had but one object—the commemoration of the centennial anniversary of the day when John Marshall of Virginia took his seat as Chief Justice of the United States at Washington, on February 4th, 1801. The idea was and is to commemorate this single day as a purely educational force for the present generation, and some of the good results expected have already been partially attained.

George Ticknor Curtis, in his work on the Constitutional History of the United States, closes his preface by saying: "Perhaps some future Gibbon, centuries hence, will write the 'Decline and Fall of the American Republic.' Let us hope, however, that in the meantime something will be done for the welfare of mankind; that some still greater improvements will have been made in the science of government and that if the decadence of our institutions must be recorded, the way will have been prepared for better ones to take their place."

The John Marshall movement is aimed to be one of the instrumentalities of the present generation of lawyers

to preserve the blessing of civil government in the United States. So far as the legal profession may be a factor in this matter, every effort should be made to make the occasion the means of treasuring the wisdom of Marshall's genius. In this way the science of government which he helped to establish will be made permanent. The American and English press have to a large extent discussed the important part which Chief Justice Marshall assumed and carried out in the upbuilding of the American Constitution, by an interpretation and construction which gave strength and harmony to the Great Charter of American liberty. Since this movement started, the bench and bar of the United States have vied with each other in refreshing their recollections of Marshall, and it is safe to say that more is now known of the invaluable work of the great American jurist than before.

During the next twelve months this information, so educational and far-reaching in its influence, will have a much greater audience. The entire nation will have the opportunity to start the century with a new reading and estimation of the national heritage, more lasting than brass or stone.

HOW TO CELEBRATE THE DAY.

Many inquiries from earnest and zealous men have reached me as to how to celebrate John Marshall Day. The American Bar Association, through the Hon. W. W. Howe, has stated the object in a circular address which has been heralded through the land by the courtesy of the Associated Press. That address stated in part as follows: "The American Bar Association leaves the execution of this national celebration in the hands of the courts and the public bodies named, and it expresses

the sincere hope that the celebration be national in its character and imposing in its extent and fervor, and that it may have the hearty support of the secular and legal press of the country." The public bodies named are the various bar associations throughout the United States.

The National Committee of Forty-nine (one for each State and Territory) has the matter in charge, and plans are being perfected to carry on the work in the several localities. The object of this paper is merely suggestive in this direction and in compliance with the request of the Executive Committee of the Illinois State Bar Association, the following tentative suggestions for the proposed celebration are respectfully submitted to the public:

**PUBLIC ASSEMBLY, WITH ORATION DURING THE
DAY, AND BANQUET IN THE EVENING.**

This programme will be generally followed as the most appropriate one for the proposed celebration. There may be incidental exercises, with a musical programme, and these exercises may take place in a public hall or in the court houses, according to the necessities of the particular locality. Some of the Supreme Courts have arranged for a meeting of the bench and bar at the State capitals, some in conjunction with State, city, and county bar associations. Where the courts are not in session an observance by the joint action of bench and bar, supreme or local, may be had as a volunteer offer to the importance of the day.

The great orations which were delivered in the year of the Chief Justice's death, in 1835, that of Judge Story before the Boston bar, and that of Horace Binney,* the

*Republished in pamphlet form, with portrait by Messrs Callaghan & Co., in honor of "John Marshall Day."

great Philadelphia lawyer of national fame, at Philadelphia, present authentic information to the orators chosen for the day. Since then the orations of Joseph Hopkins, delivered March 3rd, 1837, before the American Philosophical Society, reported in 1 Brockenbrough; that of Henry Hitchcock, of Missouri (1888) (see Appendix); of Edward J. Phelps (1879) before the American Bar Association; of Chief Justice Waite and William W. Rawle (1884) at the unveiling of the Marshall monument at Washington (112 U. S. 744-61); of General John C. Black before the Illinois State Bar Association (1897); of Hon. John B. Cassoday, Chief Justice of the Supreme Court of Wisconsin, entitled, "John Marshall and John Scott" (see Appendix), and the oration of Hon. Isaac N. Phillips, of Bloomington, Ill. (32 Chi. Legal News, 352; 20 Nat. Corp. Rep. 640), have been delivered to grateful and appreciative audiences. These orations will be welcome to many orators and may be profitably read to audiences in places where no orator can be procured.*

**COMPLETE BIOGRAPHICAL NOTE ON
JOHN MARSHALL.**

In addition to the information above mentioned, the writer of this paper has caused a bibliography on the subject of John Marshall to be compiled, with the kind assistance of librarians of the Chicago Public Library and the Library of Congress at Washington, which will give ready information to all persons, orators and students in regard to the life work of the Great Chief Justice. This bibliography is printed in the appendix.

*Just as this pamphlet goes to press, Messrs. T. H. Flood & Co., Publishers, Chicago, inform the writer that in honor of "John Marshall Day," they are about to republish, in pamphlet form, the proceedings at the unveiling of the Marshall monument at Washington, including the orations of Chief Justice Waite and W. W. Rawle (1884.)

CELEBRATION AT THE NATIONAL CAPITAL.

High importance is naturally to be attached to the proposed celebration at the city of Washington, where it is hoped that the Supreme Court will have a joint session with Congress (Senate and House), the occasion to be graced by the President of the United States and his cabinet. Hon. Wayne MacVeagh, of Philadelphia, an orator of national fame, has already been entrusted with the task of presenting the great theme of John Marshall. The local bar association of the District of Columbia has this matter in charge.

But this celebration at the capital is not meant to lessen the best efforts of the various State bar associations to have centennial exercises in their various State localities. It is intended to be the lawyers' day in every part of the Union, in order to realize the full extent of the original proposition.

**COMMEMORATION EXERCISES BY COLLEGES,
UNIVERSITIES, LAW SCHOOLS, ETC.**

One of the original suggestions, which has already been adopted by Yale College, was to interest educational institutions in the proposed celebration, and sufficient encouragement has already been evinced by various college presidents, in communications to the writer, to warrant the statement that general interest will be shown in this matter. It is more than fitting that these educational institutions dwell with emphasis on the exalted character of John Marshall as America's great expounder of the Constitution.

**MEMORIAL EXERCISES IN PUBLIC SCHOOLS
AND ACADEMIES.**

This suggestion has been heartily endorsed and encouraged by various school authorities in Wisconsin, Missouri and Michigan who have taken the matter into consideration. This matter can be furthered by application to the State School Superintendents and county and city superintendents to aid the bench and bar in this matter. The schools should be addressed by members of the bar designated for that purpose by the local committees and the many points in the military career of Marshall, fully stated in the address of Horace Binney of Philadelphia, republished through the courtesy of Callaghan & Co. of Chicago, will be of especial interest to the young students.

**CLOSING OF THE COURTS AS A TESTIMONIAL
TO THE DAY.**

One of the means suggested to give emphasis to the celebration is the closing of the courts to secular business and this necessarily includes the closing of all law offices, which fact will free the American lawyer from professional care for one day, which itself will be deemed a valuable acquisition. If the day is spent in the contemplation of the great period of State-builders and in the work of Marshall's contemporaries, the educational influence of the celebration will be immeasurable in its effect on the present generation of men in whose hands as a profession all the essential interests of government have been confided by the American people.

It is suggested that on Saturday (or some other day) preceding Monday, February 4th, 1901, some designated

member of the bar will appear in each American court house and move the court in writing that Monday, February 4th, 1901, be observed by the American bench and bar as "John Marshall Day," and this motion may be accompanied with appropriate remarks, to be responded to by the court, the whole being spread of record as a lasting memorial of the centennial day. The designation of members of the bar for this purpose should be made by the various local committees having the celebration in charge.

**ORATORS ON "JOHN MARSHALL DAY."
CENTENNIAL VOLUME.**

It is the special desire of the National Committee that orators should be chosen from different localities, in order to give the celebration a national character. It is also suggested that invitations be forwarded at once, in order that the orators may have ample time to prepare for the centennial work. It is most likely that a centennial volume will be authorized by the American Bar Association, in which the great celebration will be detailed and at least some of the orations will be republished in that form.

CONCLUSION.

In asking for the recognition of "John Marshall Day," we appeal to the patriotism and the intelligence of the great profession, which, since the era of civilization, has been charged with the duty of guarding the liberties and the rights of property of the people, and which, among its ennobling ideals, treasures the memory of the Great Chief Justice, who so successfully labored in his high office to preserve the rights of the nation, as well as of the States in blended harmony, and who taught us to appreciate

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what was aptly expressed by one of his successors as "an indestructible Union of indestructible States."

"Marshall's fame," said Judge Story, "will flow on to the most distant ages. Even if the Constitution of this country should perish, his glorious judgments will still remain to instruct mankind until liberty shall cease to be a blessing and the science of jurisprudence shall vanish from the catalogue of human pursuits."

Respectfully submitted,

ADOLPH MOSES.

Chicago, July, 1900.

APPENDIX.

BIBLIOGRAPHY.

No attempt has been made to include Biographical Dictionaries, Encyclopedias or Works of Reference. John Marshall is referred to in all biographies of his contemporaries, to which the student and general reader are referred. If important omissions have been made, the compiler begs to be informed thereof.

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1900.

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ADDRESS OF THE NATIONAL COMMITTEE OF THE AMERICAN
BAR ASSOCIATION ON "JOHN MARSHALL DAY."

To the Bench and Bar of the United States. New Orleans, February 4, 1900.

By direction of the American Bar Association, a committee composed of one member from each state and territory, and from the District of Columbia, has been appointed by the association in reference to the proposed celebration of "John Marshall Day," to take place on Monday, Feb. 4, 1901, being the first centennial of the installation of that eminent jurist as Chief Justice of the United States. A commemoration of this event, and of the splendid career of Marshall in the great office which he adorned for more than thirty-four years, cannot fail to be an occasion of profound interest and importance to the American bench and bar. Soldier, student, advocate, diplomatist, statesman, and jurist—he was one of the finest types of American manhood in its best estate. His fame is the heritage of the nation, and it is befitting that the whole country should celebrate the appointed day.

In the language of Judge Story, when voicing the sentiments of the great court on the official announcement of Marshall's death, "his genius, his learning, and his virtues have conferred an imperishable glory on his country, whose liberties he fought to secure, and whose institutions he labored to perpetuate.

He was a patriot and a statesman of spotless integrity and consummate wisdom. The science of jurisprudence will forever acknowledge him as one of its greatest benefactors. The Constitution of the United States owes as much to him as to any single mind, for the foundations on which it rests, and the expositions by which it is to be maintained; but, above all, he was the ornament of human nature itself, in the beautiful illustration which his life constantly presented of its most attractive graces and most elevated attributes."

The committee has been charged with the duty of publishing this address to the legal profession of the United States; also, with the further duty of preparing suggestions for the observance of the day on the part of the State, city, and county bar associations and other public bodies in the United States.

The committee was also charged with the duty of requesting the good offices of the President of the United States, in recommending to Congress the propriety of observing "John Marshall Day" on the part of Congress and other departments of the government of the United States, and of memorializing Congress to observe befitting ceremonies in honor of the great Chief Justice.

It is proposed that commemoration services be held at the national capital, under the direction of the Supreme Court of the United States, with the aid and support of the co-ordinate branches of the government.

It is also expected that the day will be properly observed on the part of all State and national courts, by the cessation of judicial business, and that all State, city, and county bar associations participate in proper exercises in such manner as to them shall seem most appropriate.

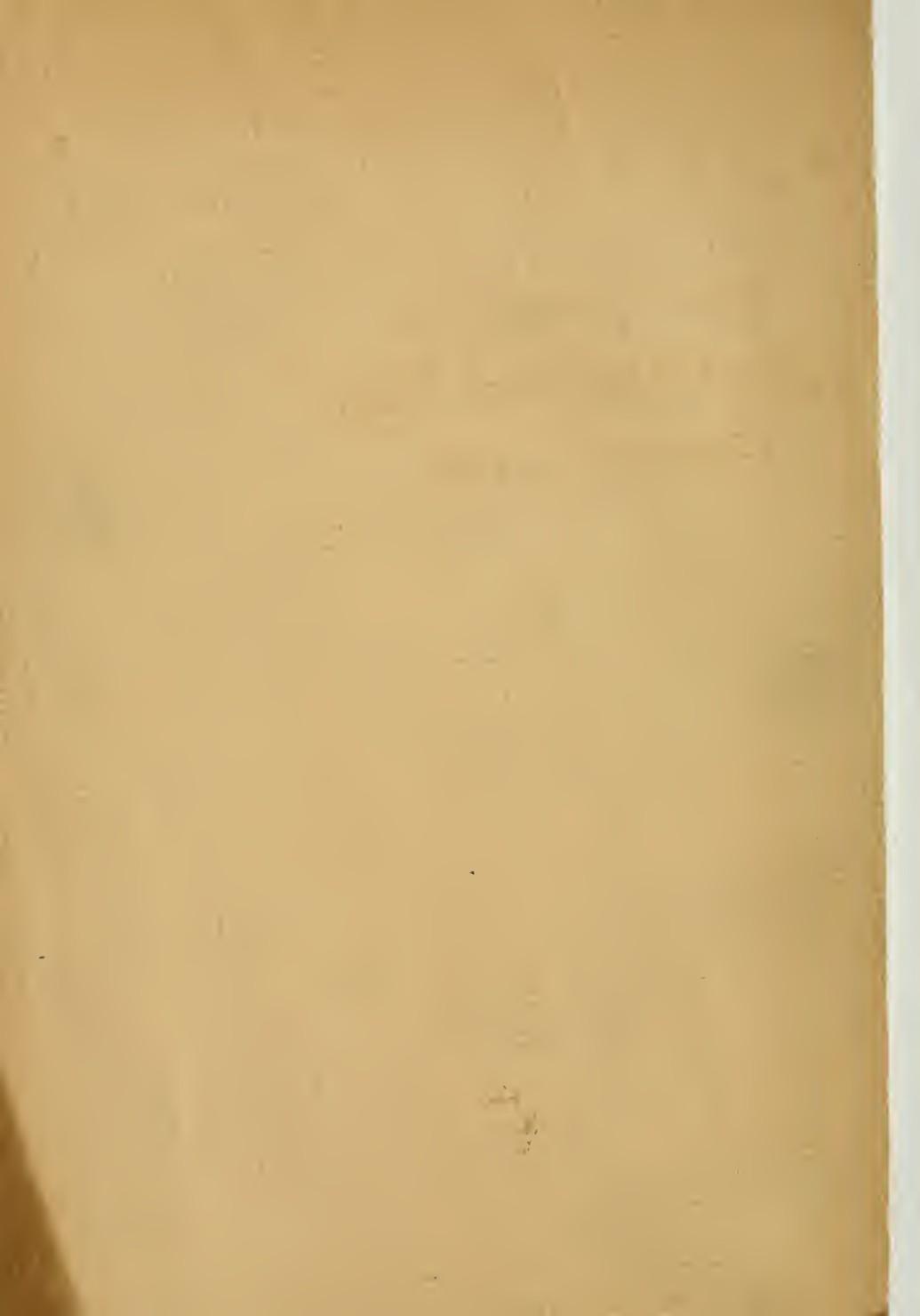
Similar ceremonies are recommended to be held in all American colleges, law schools, and public schools, to the end that the youth of our country may be made more fully acquainted with Marshall's noble life and distinguished services.

The American Bar Association leaves the execution of this national celebration in the hands of the courts and the public bodies named, and the committee expresses the sincere hope that the celebration be national in its character and imposing in its extent and fervor, and that it may have the hearty support of the secular and legal press of our country.

The active co-operation of the respective Vice Presidents and members of local councils appointed by the association, with the respective members of the national committee, is respectfully requested and expected.

On behalf and by authority of the National Committee.

WILLIAM WIRT HOWE,
ADOLPH MOSES, Chairman.
Secretary.





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HOW TO CELEBRATE JOHN MARSHALL DAY CH



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